

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THEODIS WILLIAMS,

Plaintiff,

v.

Case No. 11-11938  
Honorable Patrick J. Duggan

U.S. DEPARTMENT OF VETERAN  
AFFAIRS, BANK OF AMERICA, N.A.,  
WELLS FARGO BANK, N.A., JEANE M.  
KIVI a/k/a JEANNE M. KIVI,  
TROTT & TROTT, P.C., RALPH  
LEGGAT, WAYNE COUNTY SHERIFF'S  
DEPARTMENT, MORTGAGE INVESTORS  
CORPORATION, MORTGAGE ELECTRONIC  
SERVICES, SUSAN BETH FALSETTI,  
RACHEL STARKS, CNA SURETY, and  
THOMAS J. SNYDER,

Defendants.

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**OPINION AND ORDER DENYING PLAINTIFF'S (1) OBJECTION TO  
DISMISSAL OF COMPLAINT [DOC. 39] AND (2) MOTION TO DEFAULT  
NONRESPONSE TO OBJECTION [Doc. 43]**

Plaintiff Theodis Williams ("Plaintiff") initiated this *pro se* action against Defendants on May 3, 2011, by filing a twenty-six page pleading entitled "Veteran's Complaint for Rescission of Mortgage and Restitution and Claim" and multiple documents. This Court dismissed Plaintiff's complaint with prejudice on October 27, 2011, concluding that while "filled with historical prose, streams of incoherent ramblings, and nonsensical citations to various actual and imagined legal authorities" the complaint lacked "a short and plain statement of the claim showing that Plaintiff is entitled to

relief” as required under Federal Rule of Civil Procedure 8.” (Doc. 37 at 4.) Plaintiff responded to the Court’s opinion and order by filing the following pleadings:

- Plaintiff’s Objection to Dismissal of Plaintiff’s Complaint/Action Brought Favoring Bank of America, N.A. by Trott & Trott, P.C. and Bodman by Attorney Michelle T. Thomas and All Other Defendants, filed November 22, 2011; and

- Plaintiff’s Motion to Default Nonresponse to Objection to Dismissal of Plaintiff’s Complaint/Action Brought Favoring Bank of America, N.A. by Trott & Trott, P.C. and Bodman by Attorney Michelle T. Thomas and All Other Defendants, filed December 23, 2011.

Defendant Bank of America, N.A. (“BANA”) filed a response to Plaintiff’s latter motion asking that the Court *inter alia* strike the motion for failing to comply with federal and local court rules and enter an order barring Plaintiff from filing any more documents relating to: (1) the Court’s October 27, 2011 opinion and order; (2) the 36th District Court of Wayne County’s judgment granting possession of the subject property to the Department of Veteran Affairs; and (3) BANA and its counsel without first obtaining the Court’s permission.

The Court construes Plaintiff’s pleadings as motions for reconsideration of the Court’s decision dismissing his complaint. Pursuant to Eastern District of Michigan Local Rule 7.1, a motion for reconsideration only should be granted if the movant demonstrates that the Court and the parties have been misled by a palpable defect and that a different disposition of the case must result from a correction of such a palpable defect. E.D. Mich. LR 7.1(h)(3). A motion that merely presents the same issues already ruled upon by the Court shall not be granted. *Id.* A motion for reconsideration must be filed

within 14 days after entry of the judgment or order. E.D. Mich. LR 7.1(h)(1).

Plaintiff's motions were not timely filed. However, even if they were timely, the Court finds that the motions fail to state a basis for this Court to reconsider the dismissal of his complaint.

In his pending motions, Plaintiff rails against this Court, the judge who handled related eviction proceedings in the state court, and the attorneys representing Defendants. As he did in his complaint, Plaintiff refers to various actual and imagined legal authorities, none of which support any perceptible relief sought in his complaint. The motions set forth no coherent basis for this Court to find a palpable defect in its October 27, 2011 decision. The matter is now closed.

To the extent Plaintiff seeks to file any further pleadings in this action, such pleadings must be filed in accordance with the Federal Rules of Civil Procedure and the Local Rules for the Eastern District of Michigan. There must be a federal rule authorizing the pleading and the relief sought. The Court will strike any future pleadings that Plaintiff files that do not comply with this requirement and may sanction Plaintiff if he fails to abide by this requirement.

Accordingly,

**IT IS ORDERED**, that Plaintiff's Objection to Dismissal of Plaintiff's Complaint/Action [Doc. 39] is **DENIED**;

**IT IS FURTHER ORDERED**, that Plaintiff's Motion to Default Nonresponse to Objection to Dismissal [Doc. 43] is **DENIED**.

Dated: January 25, 2012

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

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